

**REMARKS**

**Formalities**

Applicant thanks the Examiner for acknowledging the claim for foreign priority and for confirming receipt of the certified copy of the priority documents submitted on July 6, 2001 and November 14, 2001.

Applicant also thanks the Examiner for indicating that the Formal Drawings filed on July 6, 2001 have been accepted.

In addition, the Applicant thanks the Examiner for initialing and returning a copy of the form PTO-1449 submitted with the Information Disclosure Statement filed on January 25, 2002. However, the Examiner indicated that a copy of Japanese Abstract No. 03203770, dated September 5, 1991 was not considered because a copy of the aforementioned Japanese Abstract was not provided. In response, Applicant submitted a Supplemental Information Disclosure Statement and enclosed a copy of the missing English Abstract for JP 03 203770.

An additional PTO/SB08/A&B (modified) form, citing only the Japanese Abstract No. 03203770, is submitted herewith for the Examiner's convenience. Applicant respectfully requests that the Examiner sign the aforementioned PTO/SB08/A&B (modified) form, initial the Japanese Abstract No. 03203770 reference cited therein, and return it along with the next office paper.

**Status of the Application**

By the present amendment, claims 1-13 have been amended for reasons of grammar and clarity. The amendments to claims 1-13 are not made for patentability reasons and do not

narrow the scope of the claims. Accordingly, this amendment does not foreclose application of reasonable equivalents. Claims 1-13 are all the claims pending in the application. Claims 1-13 have been rejected.

The present amendment addresses each point of objection and rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

Claim Rejections - 35 U.S.C. § 112

*Claim Rejections under 35 U.S.C. § 112, first paragraph*

The Examiner has rejected claims 1-13 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the grounds of rejection allege that there is not a clear definition of what the recitation “locus data,” as recited in claims 1-13, represents. Further, the grounds of rejection allege that the specification never discloses how the locus data is created from the measured location data and that this makes it impossible to determine the scope of the claims.

Applicant respectfully traverses this rejection for *at least* the reasons stated below. The test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation. (MPEP § 2164.01). The present specification clearly explains the meaning of the term “locus data” as recited in claims 1-13, and how locus data is created from the present location data, for example, on page 19, line 26 – page 20, line 5, such that one reasonably skilled in the art could make or use the invention therefrom.

In particular, the present specification explains that according to one exemplary embodiment of the present invention, the location data reception section 111 receives the present location data. (Page 19, line 26 – page 20, line 1). Thus, according to this exemplary embodiment, the location data reception section 111 creates the locus data from the present location data changing one after another, as illustrated by steps S91 and S92. (Page 20, lines 1-3). Further, the present specification explains that the locus data exhibit the locus on the road or sidewalk on the basis of the running of the user's own vehicle or actual movement of the mobile telephones 32, 33 or PDA 31. (Page 20, lines 3-6).

Accordingly, Applicant submits that one reasonably skilled in the art could make or use the invention from the definition of "locus data" and the explanation of how "locus data" is created from the present location data, as provided in the present specification, coupled with information known in the art, without undue experimentation. Therefore, Applicant respectfully requests that the Examiner withdraw these rejections.

*Claim Rejections under 35 U.S.C. § 112, second paragraph*

The Examiner has rejected claims 2-3 and 5-13 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The informalities noted by the Examiner have been corrected as set forth above. Thus, withdrawal of these rejections is respectfully requested.

Claim Rejections - 35 U.S.C. § 102

The Examiner has rejected claims 1-13 under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2003/0125871 to Chervený *et al.*, (hereinafter “Chervený”). Applicant respectfully traverses these rejections for *at least* the independent reasons stated below.

According to the MPEP, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131. Applicant respectfully submits that claims 1-13 positively recite features which are not disclosed (or suggested) by Chervený.

*Independent Claim 1*

Independent claim 1 recites (among other things):

A server for updating road information in a map information providing system for providing desired road information in accordance with a request from each of terminal units...

The grounds of rejection allege that the data collection system 39, as disclosed in Chervený, correspond to “terminal units,” as recited in claim 1. (02/10/05 Office Action, page 4, lines 24-26). The grounds of rejection also allege that Figure 4a and paragraphs 68-81 of Chervený disclose that a road network site correlates map and link data and transmits this correlated data as road data to be updated to the terminal unit according to a request therefrom. (02/10/05 Office Action, page 5, lines 10-13). Applicant respectfully disagrees with the grounds of rejection.

Chervený fails to disclose or suggest a server for updating road information in a map information providing system for providing desired road information in accordance with a

request from each of terminal units, as recited in claim 1. Further, no portion of either Figure 4a or paragraphs 68-81 in Cherveney supports the Examiner's allegation that Cherveney discloses that a road network site correlates map and link data and transmits this correlated data as road data to be updated to the data collection systems 39 according to a request therefrom (i.e., according to a request from the data collection systems 39).

In contrast to the requirements of claim 1, Cherveney discloses a system for updating a geographic database that includes a plurality of data collecting sensors. (*See e.g.*, Abstract). More particularly, Cherveney discloses that the data collection vehicle 50(1) includes a data collection system 39(1) which, in turn, includes one or more sensors 60. (Paragraph 0035). Cherveney also discloses that the sensors 60 collect data representing physical features about the environment of the vehicle or the vehicle's physical position. (*See* Paragraphs 0032, 0035 and 0036). Thus, Cherveney discloses that the communications manager 58, located within the data collection vehicle 50(1), transmits sensor data to the central geographic data manager 10. (Paragraph 0039).

Moreover, in the passages cited by the Examiner, Cherveney discloses comparing the transmitted sensor data and the information in the central geographic database 20. (Paragraphs 0067-0070). Cherveney also discloses that the statistical data analyzer 16 determines updates to the central geographic database 20 based on whether the central filtered sensor data set 14 reflects statistically significant variances. (Paragraphs 0050; 0073-0081). However, Cherveney nowhere discloses that a road network site correlates map and link data and transmits this correlated data as road data to be updated to the data collection systems 39 according to a request

therefrom, as alleged in the grounds of rejection. Indeed, Cherveney does not provide any suggestion at all that the data collection systems 39 transmit any sort of request whatsoever.

As a result, Cherveney fails to disclose or suggest the feature of a server for updating road information in a map information providing system for providing desired road information in accordance with a request from each of terminal units, as recited in claim 1. Thus, Applicant respectfully submits that independent claim 1 is not anticipated by (i.e. is not readable on) the applied Cherveney reference for *at least* these independent reasons. Further, Applicant respectfully submits that the dependent claims 2-3 are allowable *at least* by virtue of their dependency on claim 1.

Thus, Applicant respectfully requests that the Examiner withdraw these rejections.

*Independent Claim 4*

Independent claim 4 recites (among other things):

In a map information providing system for providing desired road information from a road network site with road network data constructed therein in accordance with a request from each of terminal units...

In view of the similarity between these requirements and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that the foregoing arguments as to the patentability of independent claim 1 apply *at least* by analogy to claim 4. As such, it is respectfully submitted that claim 4 is patentably distinguishable over the cited Cherveney reference *at least* for reasons analogous to those presented above. Further, Applicant

submits that the dependent claims 5-7 are allowable *at least* by virtue of their dependency on claim 4. Thus, the allowance of these claims is respectfully solicited of the Examiner.

*Independent Claim 8*

Independent claim 8 recites (among other things):

A server program for a server for updating road information in a map information providing system for providing desired road information from a road network site with road network data constructed therein in accordance with a request from each of terminal units...

In view of the similarity between these requirements and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that the foregoing arguments as to the patentability of independent claim 1 apply *at least* by analogy to claim 8. As such, it is respectfully submitted that claim 8 is patentably distinguishable over the cited Cherveny reference *at least* for reasons analogous to those presented above. Further, Applicant submits that the dependent claims 9-10 are allowable *at least* by virtue of their dependency on claim 8. Thus, the allowance of these claims is respectfully solicited of the Examiner.

*Independent Claim 11*

Independent claim 11 recites (among other things):

1. A computer-readable storage medium storing a server program for a server for updating road information in a map information providing system for providing desired road information from a road network site with road network data constructed therein in accordance with a request from each of terminal units...

In view of the similarity between these requirements and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that the foregoing arguments as to the patentability of independent claim 1 apply *at least* by analogy to claim 11. As such, it is respectfully submitted that claim 11 is patentably distinguishable over the cited Cherveny reference *at least* for reasons analogous to those presented above. Further, Applicant submits that the dependent claims 12-13 are allowable *at least* by virtue of their dependency on claim 11. Thus, the allowance of these claims is respectfully solicited of the Examiner.

Conclusion and request for telephone interview

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

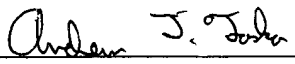
SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER

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Andrew J. Taska  
Registration No. 54,666